IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

Writ Petition No. 566 (SS) of 2007

Rajjan Lal Mishra,
S/o late Sri Devi Prasad Mishra,
Presently serving as Head Operator,
Police Sanchar Vibhag,
Uttarkashi. **…….Petitioner**

Versus

1. Union of India through its Chairman, Central Advisory Committee, Gate No. 31, Jawahar Lal Nehru Stadium Lodhi Road, New Delhi.
2. Union of India through Secretary, Ministry of Personnel Public Grievances and Pensions, New Delhi.
3. State of Uttarakhand through Secretary, Home Uttarakhand Shashan, Dehradun.
4. Additional Director General of Public (Personal), vigilance Uttarakhand Shashan, Dehradun.
5. Deputy Inspector General of Police (Sanchar) Police Radio Headquater, Dehradun, Uttarakhand.
6. Superintendent of Police, Uttarkahsi.
7. State of U.P. through Secretary, Home, U.P., Lucknow.
8. Director General of Police, U.P., Lucknow.

…….Respondents.

Hon'ble M.M. Ghildiyal, J.

Heard Sri Vinay Upadhyay and Sri K.K. Tewari, learned counsel for the petitioner, Sri H.M. Raturi, learned standing counsel for State of Uttarakhand on behalf of respondents no. 3 to 6, Sri N.S. Pundir, learned standing counsel for Union of India on behalf of respondent nos. 1 & 2 and Smt. Beena Pande, learned standing counsel for State of Uttar Pradesh on behalf of respondents nos. 7 and 8.

Learned counsel for both the parties are agree to decide the writ petition at its admission stage itself.

By means of this writ petition, the petitioner has prayed for the following reliefs:

I. *Issue a writ order or direction in the nature of Certiorari calling for the records and quashing the impugned order dated 07.05.2007 passed by respondent no. 4 and order dated 14.05.2007 passed by respondent no. 6 and letter dated 15.05.2007 written by Radio Inspector Uttarakhand Police Sanchar Vibhag, Uttarkashi.*

II. *Issue a writ, order or direction in the nature of Mandamus directing the respondents to decide the representation dated 10.12.2006.*

III. *Issue a writ, order or direction in the nature of Mandamus directing the respondents to finally allocated the petitioner for Uttarakhand Cadre with all consequential benefits.*

IV. *Issue any other order or direction, which this Hon'ble Court may deem fit and proper under the circumstances of the case.*

V. *Award cost of the petitioner in favour of the petitioner.*

Vide order dated 14.05.2007 Superintendent of Police, Uttar Kashi has relieved the petitioner for State of U.P. in pursuance to the order dated 05.07.2007 passed by Additional Director General of Police, Uttarakhand. The orders dated 07.05.2007 and 14.05.2007 have been passed by the respondents in pursuance to the Final Allocation List issued by Union of India in respect of police personnel and in the Final Allocation List petitioner has been finally allocated to State of U.P.

It is not disputed that petitioner is permanent resident of State of U.P., he had opted for State of U.P. and has been finally allocated to State of U.P. by Union of India.

Learned counsel for the petitioner has fairly conceded that petitioner has already been relieved for State of U.P. unilaterally.

Learned counsel for the petitioner has further submitted that he has already moved representation before respondents for mutual transfer on 10.12.2006 in pursuance to the Circular issued by Union of India on 15.09.2004.

I do not find any ground to interfere with the impugned order. However, it is open for the respondents to consider the representation of the petitioner for mutual transfer, if the Government is in need of petitioner's service.

With this direction, writ petition as well as stay application is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

May 23, 2007
SKSHARMA